

REMARKS

In an Official Action dated November 25, 2003, the Examiner rejected the pending claims over Published PCT Application No. WO 00/20058. Applicants request that the Examiner reconsider the rejection of claims 1 and 8-20 in light of the following discussion.

Independent claims 1 and 8 recite a medical device comprising a hollow housing, a needle, a biasing element, a needle retainer releasably retaining the needle against the bias of the biasing element and a shield attached to the housing. Furthermore, claims 1 and 8 recite that the shield is substantially puncture resistant. More specifically, claims 1 and 8 recite that the shield is formed so that the axial force required to buckle the shield is less than the force necessary to puncture the shield with the needle, thereby preventing inadvertent contact with the contaminated needle

The '058 PCT application discloses a number of needle bearing devices that have a needle that is displaceable relative to a catheter. The '058 PCT application specifies that term catheter means "a thin-walled flexible". See page 10, lines 15-16. The Examiner indicates that the '058 PCT application teaches that the catheter has the same puncture resistant features as the shield in Applicant's device. However, the '058 PCT application teaches the exact opposite.

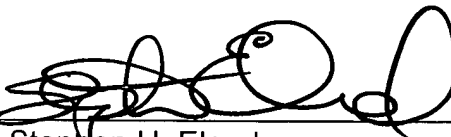
Referring to page 11, lines 22-29, the '058 PCT application specifically teaches that the catheter is puncturable. For this reason, the '058 PCT discusses the desire to limit the retraction of the needle. There is no teaching or suggestion of using a puncture resistant shield. Further still there is no teaching or suggestion of using a shield formed such that the axial force required to buckle the shield is less than the force necessary to puncture the shield with the needle. Since these features of claims 1 and 8 are not taught or suggested by the '058 PCT application, claims 1-8 and dependent claims 9-20 are patentably distinct from the '058 PCT application.

In light of the foregoing, Applicant believes that this application is in form for allowance. The Examiner is encouraged to contact Applicant's undersigned attorney if the Examiner believes that issues remain regarding the allowability of this application.

Respectfully submitted,

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By



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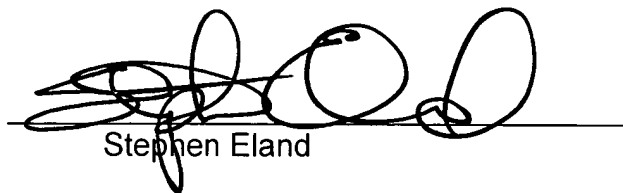
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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this Response and accompanying papers are being deposited on April 26, 2004 with the United States Postal Service as first-class mail in an envelope properly addressed to Commissioner for Patents, Alexandria, VA 22313-1450.

April 26, 2004

Date of Certificate

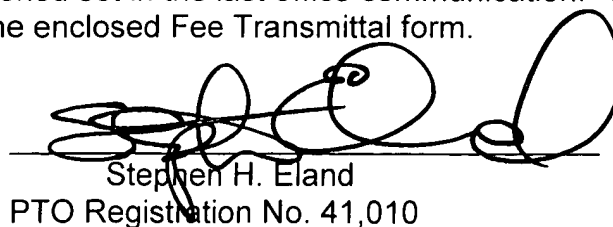

Stephen Eland

Petition for Extension Under 37 CFR §1.136(a)

Applicant's undersigned Attorney hereby petitions for an extension of time of **TWO** months beyond the time period set in the last office communication. The proper fee is enclosed as identified in the enclosed Fee Transmittal form.

April 26, 2004

Date of Certificate


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